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Message Text

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11
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SUBJECT: CULTURAL AGREEMENT NEGOTIATIONS-EMBASSY COMMENTARY
ON ROMANIAN DRAFT "ACORD"

REF: A) BUCHARET 4747; B) BUCHAREST 4773; C) BUCHAREST 4802

1. REFTEL A REPORTED ROMANIAN SUBMISSION OF DRAFT CULTURAL AGREEMENT TO EMBASSY WITH SUGGESTION THAT IT BE SIGNED DURING NOVEMBER 3-4 VISIT OF THE SECRETARY. REFTEL B CONTAINED ROMANIAN LANGUAGE DRAFT AS SUBMITTED BY MINISTRY OF FOREIGN AFFAIRS AND REFTEL C WAS EMBASSY TRANSLATION OF THIS DOCUMENT. THE CABLE IS A COORDINATED ARTICLE-BY-ARTICLE COMMENTARY BY THE EMBASSY ON THE ROMANIAN DRAFT.

2. ARTICLE 1 - EMBASSY VIEWS ARTICLE 1 OF THE ROMANIAN DRAFT AS INSUFFICIENTLY RELEVANT TO EXISTING PROGRAMS UNDER THE SCIENCE AND TECHNOLOGY SECTION OF THE PRESENT AGREEMENT. IN OUR VIEW, ROMANIAN DRAFT REQUIRES MODIFICATION FOR THE SAKE OF CONSISTENCY. FOR EXAMPLE, SPECIFIC REFERENCE TO ACADEMY
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EXCHANGES SHOULD BE ELIMINATED TO RETAIN GENERALIZED CHARACTER

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WHICH BOTH PARTIES DESIRE. INTRODUCTORY PHRASES "BY PROMOTING" AND "BY ORGANIZING" SHOULD BE REPLACED WITH "BY STRENGTHENING" AND "BY CONTINUING TO ORGANIZE" AS ALL ACTIVITIES SUGGESTED BY DRAFT ARTICLE ARE ALREADY IMPLEMENTED BY EXISTING PROGRAMS. OTHERWISE, DRAFT ARTICLE DOES NOT SEEM TO BE INCONSISTENT WITH U.S. OBJECTIVES IN S&T MATTERS.

3. ARTICLE 2 - GOR DRAFT COVERS ESSENTIALLY SAME THEMES AS EMBASSY DRAFT ARTICLE 1 PROVIDED DEPARTMENT IN BUCHAREST 4485. LANGUAGE OF FORMER, HOWEVER, LACKS PRECISION THAT WE WOULD PREFER TO ENABLE U.S. SIDE TO ESTABLISH PROGRAMS (DESCRIBED IN BUCHAREST 4485 AS "ANNEX OR IMPLEMENTING CONDITIONS ARTICLE I"). SECTION (E) OF ROMANIAN DRAFT ARTICLE MAY BE STANDARD BOILERPLATE IN THEIR AGREEMENTS WITH COUNTRIES WITH CENTRALIZED MINISTRIES OF EDUCATION BUT DOES NOT SEEM TO US TO BE APPROPRIATE FOR INCLUSION IN U.S. AGREEMENT. IN ADDITION, EMBASSY WOULD PREFER INCORPORATION OF SPECIFIC LANGUAGE COMMITTING PARTIES TO SUPPORT UNIVERSITY LEVEL PROGRAMS IN THE CIMABIZATION OF THE OTHER RATHER THAN OFFHAND REFERENCE IN SECTION (B) OF ROMANIAN DRAFT ARTICLE. (WE WOULD SUGGEST "THE PARTIES WILL SUPPORT THE ESTABLISHMENT OF PROGRAMS OF STUDY OF THE HISTORY AND CIVILIZATION OF THE OTHER PARTY AT THE UNIVERSITY LEVEL.") IN SUMMARY, WE PREFER OUR DRAFT LANGUAGE (WITH INCLUSION OF "CIVILIZATION PROGRAM") AND WITH SPECIFIC REFERENCE TO THE EXCHANGE OF PERSONS IN CONTRAST TO ROMANIAN GENERALIZED REFERENCE TMETHE MUTUAL PROVISION OF SCHOLARSHIPS WITHOUT MENTION OF EXACT CATEGORIES OF PERSONS.

4. ARTICLE 3 - IN OUR VIEW, THIS WOULD BE BETTER INCLUDED AS A SUBSECTION TO THE ARTICLE ON SCIENCE AND TECHNOLOGY.

5. ARTICLE 4A - (EMBASSY HAS NOTED THAT ROMANIAN DRAFT CONTAINS TWO ARTICLE 4S. FOR THE PURPOSES OF THIS CABLE WE HAVE RELABELED THEM AS ARTICLE 4A - FOLLOWING ARTICLE 3 - AND ARTICLE 4B - PRECEDING ARTICLE 5). THE SPIRIT OF THE INTRODUCTORY PARAGRAPH OF ROMANIAN ARTICLE 4A APPEARS TO BE CONSISTENT WIHT THE EMBASSY SUBMISSION. IT MIXES, HOWEVER, PROGRAMS WHICH WE INCLUDE IN SEPARATE ARTICLES AND WILL REQUIRE SOME SORTING OUT IN NEGOTIATIONS. SECTIONS (A), (B) AND (C) ARE SIMILAR RESPECTIVELY TO U.S. DRAFT ARTICLE III, SECTION 2 (ANNEX
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OR IMPLEMENTING CONDITIONS), OUR ARTICLE III, AND OUR ARTICLE VI ARE FAR LESS EXPANSIVE THAN WE WOULD PREFER. SECTION (D) IN ROMANIAN DRAFT REFERS TO TRANSLATION PROGRAMS TO WHICH WE ARE UNABLE TO AGREE. WE WOULD, HOWEVER, HAVE NO OBJECTIONS TO GENERAL REFERENCE TO THIS TOPIC AND WORDING SUCH AS "WILL ENCOURAGE". SECTION (E) THIS ARTICLE DEALS WITH ACTIVITIES COVERED IN SEPARATE ARTICLE IN U.S. DRAFT AND SEEMS REDUNDANT IN VIEW OF ROMANIAN DRAFT ARTICLES 7 AND 9.

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6. ARTICLE 4B - THIS ARTICLE IS NOT IN THE CURRENT DRAFTS NOR IN THE PREVIOUS AGREEMENT AND WE BELIEVE IT SHOULD BE INCLUDED IN THE IMPLEMENTING CONDITIONS/ANNEX.

7. ARTICLE 5 - THE INCLUSION OF THELIBRARY UNDERSTANDING INTO THE BODY OF THE AGREEMENT IS A PROPOSAL WITH WHICH WE CONCUR SINCE IT GIVES ADDITIONAL POLITICAL LEGITIMACY TO THE ACTIVITIES OF THE LBIRARIES.

8. ARTICLE 6 - THE EMBASSY IS UNCERTAIN AS TO WHAT THE U.S. IS ABLE TO DO ON A FEDERAL LEVEL REGARDING THE EQUIVALENCY OF ACADEMIC DEGREES. WE RECOGNIZE THAT WE CANNOT COMMIT STATE OR PRIVATE INSTITUTIONS TO SUCH ARRANGEMENTS. WE WOULD, THEREFORE, APPRECIATE DEPARTMENT OR HEW COMMENTS ON THIS ARTICLE.

9. ARTICLE 7 - THIS REPRESENTS NO NEW DEPARTURE FROM PREVIOUS AGREEMENTS IN OUR DRAFTS AND COULD BE ACCEPTED.

10. ARTICLE 8 - THIS IS COMPARABLE TO ARTICLE IX OF THE OLD AGREEMENT.

11. ARTICLE 9 - ROMANIAN DRAFT ARTICLE 9 IS ACCEPTABLE AND IS SIMILAR TO ARTICLE V OF THE OLD AGREEMENT AND ADDS SPECIFIC REFERENCE TO THE EXCHANGE OF VIEWS OF JOURNALISTS AND REPORTERS WHICH WE WOULD ENCOURAGE.

12. ARTICLE 10 - THIS IS SIMILAR TO ARTICLE II OF OUR DRAFT AND WE VIEW THE PROPOSAL AS ACCEPTABLE ALTHOUGH WE BELIEVE IT SHOULD BE INCORPORATED IN ARTICLE 2.

13. ARTICLE 11 - THIS IS SIMILAR TO ARTICLES IX AND X OF THE LIMITED OFFICIAL USE

EXISTING AGREEMENT AND IS ACCEPTABLE, BUT DUPLICATES ROMANIAN ARTICLE 8.

14. ARTICLE 12 - THIS IS SOMEWHAT PUZZLING TO US AND WE ARE NOT CERTAIN WHY THE ROMANIANS HAVE PROPOSED IT SINCE NEITHER SIDE, TO OUR KNOWLEDGE, HAS EXPERIENCED ANY PROBLEMS WITH THE IMPORTING OF MATERIALS FOR CULTURAL PROGRAMS.

15. ARTICLE 13 - THIS IS SIMILARLY PUZZLING FROM THE STAND-POINT OF OUR KNOWLEDGE OF ROMANIAN INTENT SINCE CONDITIONS FOR CARRYING OUT PROGRAMS ON BOTH SIDES HAVE ALWAYS BEEN CON-SISTENT WITH THE SPIRIT INTENDED. IT MAY BE THAT THIS ARTICLE, LIKE THE PREVIOUS ONE, IS DESIGNED TO PROVIDE THE CQITOMARY REMINDER THAT ACTIVITIES MUST BE CARRIED OUT WITHIN THE LAWS OF THE COUNTRY AS WE HAVE ALL AGREED.

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16. ARTICLE 14 - THE ROMANIAN SUGGESTION INCLUDED HERE THAT THE PARTIES NEGOTIATE SPECIFIC PROGRAMS ON A BIENNIAL BASIS IS ACCEPTABLE. IN OUR VIEW, HOWEVER, WE BELIEVE THAT RETAINING THE PROVISION FOR OPTIONAL ANNUAL REVIEW TALKS WOULD BE ADVANTAGEOUS AND WE WOULD PREFER THIS TO BE INCLUDED.

17. ARTICLE 15 - THIS IS, OF COURSE, ACCEPTABLE TO THE EMBASSY.

18. OMITTED FROM THE ROMANIAN DRAFT "ACORD" ARE PROVISIONS FOR GOVERNMENT AND CIVIC EXCHANGES CURRENTLY INCLUDED IN ARTICLE VIII OF THE PRESENT AGREEMENT AND RE-DRAFTED BY THE EMBASSY TO REFLECT OUR PROGRAMMING IDEAS IN BUCHAREST 4485. IN OUR VIEW, SUCH PROVISIONS SHOULD BE IN THE NEW AGREEMENT AND, WITH DEPARTMENT CONCURRENCE, WE INTEND TO PUSH FOR THE INCLUSION OF OUR LANGUAGE.

19. IN SUMMARY, WE FIND THE ROMANIAN DRAFT NOT SUFFICIENTLY REFLECTIVE OF PRESENT PROGRAMS. IN ADDITION, WE PREFER MORE PRECISE SEPARATION OF EXCHANGE SUBJECTS (E.G. BOOKS, EXHIBITS, MOTION PICTURES) AS IN THE PRESENT AGREEMENT AS WELL AS MORE PRECISE AND ACCURATE LANGUAGE IN GENERAL UPON WHICH PROGRAMS MAY BE BASED.
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